

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York ☒

Jonathan AGRAMONTE

*Plaintiff*

v.

Richard SHRAGER and RICH FOODS 37, LLC

*Defendant*

14 CV  
Civil Action No.

3074

SUMMONS IN A CIVIL ACTION

JUDGE ENGELMAYER

To: *(Defendant's name and address)* Richard SHRAGER  
12 East 37th Street  
New York, NY 10016

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard Garbarini  
GARBARINI FITZGERALD P.C.  
420 Lexington Ave, Suite 2743  
New York, NY 10170

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

*Catherine Lapsley*  
Signature of Clerk or Deputy Clerk

Date: 04/30/2014

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Richard SHRAGER, Franchisee  
 was received by me on (date) MAY 01 2014;

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

ABC ☒ I left the summons at the individual's residence or usual place of abode with (name) BUSINESS FABIO RYELA,  
EMPLOYEE/CO-WORKER, a person of suitable age and discretion who resides there,  
 on (date) MAY 02 2014, and mailed a copy to the individual's last known address; or  
AT 3:04 P.M.

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

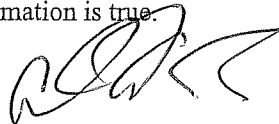
☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: MAY 03 2014



\_\_\_\_\_  
 Server's signature

Alvin Gonzalez, Process Server  
 Printed name and title

153 East 110th ST, P.O. Box 1002  
New York, NY 10029-0293

\_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc: